

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 5, 2009****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

DIR-35337 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - Appeal of the Director's decision to reject the applications for Extensions of Time for ZON-21165, SUP-21168, SUP-21169, SUP-21171, SUP-21172, SDR-21175 and VAC-21175 for being incomplete, Ward 3 (Reese). Staff recommends DENIAL (NOTE: The correct vacation number is VAC-21173.)

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****0****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****0****RECOMMENDATION:**

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Staff Report
2. Supporting Documentation
3. Letter from Planning and Development dated July 16, 2009 with attached spreadsheet
4. Appeal Letter filed by TR Las Vegas

Motion made by GARY REESE to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN,
GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None);
(Excused-STAVROS S. ANTHONY)

Minutes:

ROBERT REEL appeared representing the application.

ASSISTANT CITY ATTORNEY BRYAN SCOTT clarified that the role of the Council in this matter is to determine whether MARGO WHEELER, Director of Planning and Development, was correct or not in denying the Extensions of Time. If the Council makes a finding that it is not complete, it must vote to deny; if complete, then it must approve the appeal. But that does not mean approval of the merits of any application; any consideration of the applications would have to take place at a future City council meeting.

MAYOR GOODMAN commented that he received a briefing on this matter on 8/4/2009, and he is very concerned about it because he wants the project to succeed, in accordance with the law. He asked MR. REEL if on 6/22/2009 all of the property owners were a part of the applications

CITY COUNCIL MEETING OF: AUGUST 5, 2009

submitted. MR. REEL replied that not in writing; MR. ISBUTT was the missing party. MAYOR GOODMAN indicated that any attempt to modify the applications to include additional members will cause the entitlements to recede; thus, nullifying the overlay district designation, which was contingent upon an arena being built at the time of assemblage.

COUNCILMAN REESE stated that the briefing he received made him feeling like he had to choose between two representations. But in following the law, he felt compelled to deny the appeal and uphold the director's decision for denial.

MR. REEL explained that the appeal was made because he was awaiting approval from the LLC. If he had known then, he would not have tried to obtain notarized signatures from the 500 property owners. He assured the Council members that there was a true commitment to this project and a confidence in the ability to attract a developer that would pay more than \$8 million. Having the property shovel-ready presents a unique opportunity. MAYOR GOODMAN advised MR. REEL that if the interested developer, without disclosing any names, comes back, he would be treated like the gentleman he is. That gentleman's interest would again give the project viability.

